

SHERI LYNN JOHNSON

EMPLOYMENT

Cornell Law School

Ithaca, New York 1981- present

James and Mark Flanagan Professor of Law

Associate Dean for Public Engagement (2014-2016)

Assistant Director, Cornell Death Penalty Project (since 1996)

William and Mary Law School

Williamsburg, Virginia Spring 1995

The Lee Distinguished Visiting Professor

The Legal Aid Society: Criminal Appeals Bureau

New York, New York January 1980 - July 1981

Associate Appellate Counsel

EDUCATION

Yale Law School

J.D. 1979

University of Minnesota

NSF Fellow, 1975-1976

University of Minnesota

B.A., magna cum laude, 1975

Most Distinguished Undergraduate Major in Economics

Most Distinguished Undergraduate Major in Sociology

PUBLICATIONS

The Pre-Furman Juvenile Death Penalty in South Carolina: Young Black Lives Were Cheap, (forthcoming, *South Carolina Law Review* (with John Blume and Hannah Freedman)).

A Legal Obituary for Ramiro, 50 U. Mich. J.L. Reform 295 (2017).

A Review of The Death Penalty and Intellectual Disability, 8(3) J. MENTAL HEALTH RES. INTELLECTUAL DISABILITIES 1 (2015).

The Death Penalty: Should the Judge or Jury Decide Who Dies, 12 J. EMPIRICAL LEGAL STUD. 70 (2015)(with Valerie Hans, John Blume, Theodore Eisenberg, Amelia Hritz, Casia Royer, and Martin Wells).

Batson From the Very Bottom of the Well: Critical Race Theory and the Supreme Court's Peremptory Challenge Jurisprudence, 12 OHIO ST. J. CRIM. L. 71 (2014).

The American Experience with the Categorical Ban Against Executing the Intellectually Disabled: New Frontiers and Unresolved Questions, (in VAGUENESS IN PSYCHIATRY (Oxford University Press 2015) (with John Blume and Amelia Hritz).

A Tale Of Two (And Possibly Three) Atkins: Intellectual Disability And Capital Punishment Twelve Years After The Supreme Court's Creation Of A Categorical Bar, 23 WM. & MARY BILL RTS J. 393 (2014) (with John Blume, Paul Marcus, and Emily Paavola).

Killing the Oblivious: An Empirical Study of Competency to be Executed Litigation, 82 UMKC L. R. 335 (2014) (with John Blume and Katherine Ensler).

Victim Gender and the Death Penalty, 82 UMKC L. R. 429 (2014) (with Caisa Royer, Amelia Hritz, Valerie Hans, Theodore Eisenberg, and John Blume).

Gideon Exceptionalism? 122 YALE L. J. 2126 (2013) (with John Blume).

Unholy Parallels: McCleskey v. Kemp and Plessy v. Ferguson, 10 OHIO ST. J. CRIM. L. 37 (2012) (with John Blume).

The Folly – and Faith – of Furman, 13 J. APP. PRAC. & PROCESS 32 (2012) (with John Blume).

The Delaware Death Penalty: An Empirical Study, 97 IOWA L. REV. 1925 (2012) (with John Blume, Theodore Eisenberg, Valerie Hans, and Martin Wells).

Racial Epithets in the Criminal Process, 2011 MICH. ST. L. REV. 755 (2011) (with John Blume and Patrick Wilson).

Convicting Lenny: Mental Retardation, Wrongful Convictions and the Right to a Fair Trial, 56 N. Y. L. SCH. L. REV. 943 (2011) (with John Blume and Susan Millor).

In Defense of Non-Capital Habeas: A Response to Hoffman and King, 96 CORNELL L. REV. 435 (2011) (with John Blume and Keir Weyble).

LAW FOR SOCIETY: NATURE, FUNCTIONS, AND LIMITS (2010) (with Kevin Clermont, Robert Hillman, and Robert Summers).

When Lightning Strikes Back: South Carolina's Return to the Unconstitutional, Standardless Capital Sentencing Regime of the Pre-Furman Era, 4 CHARLESTON L. REV. 479 (2010) (with John Blume, Emily Paavola, and Keir Weyble).

Coker v. Georgia: *Of Rape, Race and Burying the Past*, in DEATH PENALTY STORIES, ed. John H. Blume and Jordan M. Steiker (2009).

Back to a Future: Reversing Keith Simpson's Death Sentence and Making Peace with the Victim's Family Through Post-Conviction Investigation, 77 UMKC LAW REVIEW 963 (2009) (with John Blume).

Of Atkins and Men: Deviations from Clinical Definitions of Mental Retardation in Death Penalty Cases, 18 CORNELL J. L. & PUB. POL'Y 689 (2009) (with John Blume and Christopher Seeds).

An Empirical Look at Atkins v. Virginia and Its Application in Capital Cases, 76 TENN. L. REV. 625 (2009) (with John Blume and Christopher Seeds).

Does Unconscious Racial Bias Affect Trial Judges? 84 NOTRE DAME L. REV. 1195 (2009) (with Jeffrey Rachlinski, Andrew Wistrich and Chris Guthrie).

Mental Retardation and the Death Penalty Five Years After Atkins, in THE FUTURE OF AMERICA'S DEATH PENALTY, ed.. Charles S. Lanier, William J. Bowers & James Acker (2009) (with John Blume and Christopher Seeds).

Competent Capital Representation: The Necessity of Knowing and Heeding What Jurors Tell Us About Mitigation, 36 HOFSTRA L. REV. 1035 (2008) (with John Blume and Scott Sundby).

Litigating for Racial Fairness After McCleskey v. Kemp, 39 COL. J. HUM. RTS. 178 (2007).

Race and Recalcitrance, 5 OHIO ST. J. CRIM. L. 131 (2007).

Every Juror Wants a Story, Story: Narrative Relevance, Third Party Guilt and the Right to Present a Defense, 44 AM. CRIM. L. REV. 1069 (2007) (with John Blume and Emily Paavola).

Looking Deathworthy: Perceived Stereotypicality of Black Defendants Predicts Capital Sentencing Outcomes, 17 PYSCHOL. SCI. 383 (2006) (with Jennifer Eberhardt, Paul Davies, and Valerie Purdie-Vaughns).

Wishing Petitioners to Death: Factual Misrepresentation in Fourth Circuit Capital Cases, 91 CORNELL L. REV. 1105 (2006).

Education and Interrogation: Comparing Brown and Miranda, 90 CORNELL L. REV. 321 (2005) (with John Blume).

Implicit Racial Attitudes of Death Penalty Lawyers, 53 DEPAUL L. REV. 1539 (2004) (with Theodore Eisenberg).

Killing the Non-willing: Atkins, the Volitionally Incapacitated, and the Death Penalty, 55 S.C. L. REV. 93 (2003) (with John Blume).

Race and Capital Punishment, in BEYOND REPAIR? AMERICA'S DEATH PENALTY, ed. Stephen P. Garvey (2003).

Speeding in Reverse: An Anecdotal View of Why Victim Impact Testimony Should Not Be Driving Capital Prosecutions, 88 CORNELL L. REV. 555 (2003).

The Death Penalty: Reforming a Process Fraught With Error: Probing Life Qualification Through Expanded Voir Dire, 29 HOFSTRA L. REV. 1209 (2001) (with John Blume and Brian Threlkeld).

Future Dangerousness in Capital Cases: Always At Issue, 86 CORNELL L. REV. 397 (2001) (with John Blume and Stephen Garvey).

Don't Take His Eye, Don't Take His Tooth, and Don't Cast the First Stone: Limiting Religious Arguments in Capital Cases, 9 WM. & MARY BILL RTS J. 61 (2000) (with John Blume).

Correcting Deadly Confusion: Responding to Jury Inquiries in Capital Cases, 85 CORNELL L. REV. 627 (2000) (with Stephen Garvey and Paul Marcus).

The Fourth Circuit's Double-Edged Sword: Eviscerating the Right to Present Mitigating Evidence and Beheading the Right to the Assistance of Counsel, 58 MD. LAW REVIEW 101 (1999) (with John Blume).

Post-McCleskey Racial Discrimination Claims in Capital Cases, 83 CORNELL L. REV. 1771 (1998) (with John Blume and Theodore Eisenberg).

Batson Ethics for Prosecutors and Trial Courts Judges, 73 CHI.-KENT L. REV. 559 (1998).

Respectability, Race Neutrality and Truth (reviewing RACE, CRIME AND THE LAW, by Randall Kennedy) 107 YALE L. J. 2619 (1998).

The Color of Truth: Race and the Assessment of Credibility, 1 MICH. J. RACE & L. 261 (1996).

Specific Agreements About Race: A Response to Professor Sunstein, 31 WAKE FOREST L. REV. 411 (1996).

Of Myths and Mapp: A Response to Professor Magee, 23 CAP. U. L. REV. 221 (1994).

A Response to Professor Choper: Laying Down Another Ladder, 79 CORNELL L. REV. 522 (1994).

The Language and Culture (Not To Say Race) of Peremptory Challenges, 31 WM. & MARY L. REV. 29 (1993).

Racial Imagery in Criminal Cases, 67 TUL. L. REV. 1739 (1993).

Confessions, Criminals, and Community, 26 HARV. CIV. R. CIV. LIB. L. REV. 327 (1991).

The Effects of Intent: Do We Know How Legal Standards Work? 76 CORNELL L. REV. 1151 (1991) (with Theodore Eisenberg).

Unconscious Racism and the Criminal Law, 73 CORNELL L. REV. 1016 (1988).

The Politics of Predicting Criminal Violence, 86 MICH.L. REV. 1322 (1988).

Black Innocence and the White Jury, 83 MICH. L. REV. 1611 (1985).

Cross-Racial Identification Errors in Criminal Cases, 69 CORNELL L. REV. 934 (1984).

Race and the Decision To Detain a Suspect, 93 YALE L. J. 214 (1983).

WORK IN PROGRESS

The Torn, the Truant, and the Terrible: Rethinking the Categories of Counsel Failure under Cuyler, Cronic, and Strickland (draft available upon request).

Judge and Jury Determinations of Atkins Ineligibility: The Influence of Motivated Cognition

ENDOWED LECTURE AND AWARDS

2001 Anne Lukingbeal Award (awarded by the Cornell Women's Law Coalition for service to women law students)

2010 Julius Rosenthal Foundation Endowed Lectures, Northwestern Law School

2016 National Association of Women Lawyers, M. Ashley Dickerson Award (annually awarded to a lawyer who has “demonstrated throughout her career a dedication and commitment to promoting and advancing diversity within the legal profession”)

COURSES

Socratic/Lecture: Constitutional Law, Criminal Procedure, Criminal Law, Comparative Death Penalty, The American Death Penalty (undergraduate)

Clinics: Capital Trial Clinic, Capital Punishment Post-Conviction Clinic, Capital Punishment Appellate Clinic, Juvenile Life Without Parole Clinic

THE CORNELL DEATH PENALTY PROJECT

John Blume (then a practitioner, but now my colleague) and I co-founded the Cornell Death Penalty Project in 1996. With our students, we provide direct representation to death-sentenced inmates, do empirical research, and provide assistance to the capital defense bar nationwide. The Project focuses on issues of race, mental illness, and intellectual disability in capital cases.

I have represented clients in Alabama, Georgia, Ohio, Mississippi, South Carolina, and Texas, and have been counsel of record for the AAIDD in recent *amicus* filings in the Supreme Court, and also been counsel of record in *amicus* filings in the Supreme Court in cases with race issues. My newest focus (both in litigation and research) is discrimination against Latinos, for which I have a grant to fund empirical work and a symposium.